

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: CONGARD3

In re Application of:)	Conf. No.: 5072
)	
Patrice CONGARD)	Art Unit:
)	
Appln. No.: 10/570,135)	Examiner:
)	
Filed: September 2, 2004)	Washington, D.C.
)	
For: PROJECTION SCREEN, IN)	January 3, 2007
PARTICULAR FOR VIDEO ...)	

PETITION UNDER 37 C.F.R. §1.47(a)

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Petition
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. §1.47(a), applicants hereby petition for acceptance of the present application without the signature of an inventor who refuses to join in the application. Attached hereto is a declaration of the other inventor on behalf of himself and the non-signing inventor.

STATEMENT OF FACTS INVOLVED

On March 23, 2006, Mr. Yves Trelohan, who is the manager of Screen Research, which is the assignee of the present application, sent a registered letter to his co-

inventor Mr. Patrice Congard. See the accompanying Declaration of Yves Trelohan.

The registered mail envelope contained a letter dated March 23, 2006, from Mr. Trelohan to Mr. Congard stating that attached to the letter was the translation into English of the patent application, as well as assignment and Combined Declaration for Patent Application and Power of Attorney forms for execution by Mr. Congard. See the accompanying Declaration of Yves Trelohan and Exhibits A and B, submitted herewith.

On June 5, 2006, Mr. Trelohan prepared a second registered letter to Patrice Congard stating that the mail of March 23, 2006, remained unanswered and repeating the request that the forms previously provided to him be executed and returned. See accompanying Declaration of Yves Trelohan and Exhibits C and D, submitted herewith.

The registered mail of June 5, 2006, was accompanied by a return receipt postcard. See accompanying Declaration of Yves Trelohan and Exhibit E, submitted herewith.

A postcard receipt was received from the French Post Office indicating that the letter had been delivered and accepted on June 10, 2006. See accompanying Declaration of Yves Trelohan and Exhibits E and F, submitted herewith.

According to the rules of the French Post Office, a registered letter is only delivered to the person specifically mentioned on the registered letter. It can only be delivered to another person when this person has a power to that effect. See accompanying Declaration of Yves Trelohan.

Mr. Trelohan never received any response from Mr. Congard with respect to either of these letters. See accompanying Declaration of Yves Trelohan.

POINTS TO BE REVIEWED AND ACTION REQUESTED

As the accompanying evidence establishes that Patrice Congard refuses to execute the present application and all of the requirements of 37 C.F.R. §1.47(a) have been complied with, it is requested that the present application be accepted as having been made by the other inventor on behalf of himself and the omitted inventor in accordance with 35 U.S.C. §116 and 37 C.F.R. §1.47(a).

MEMORANDUM IN SUPPORT

37 C.F.R. §1.47(a) provides that if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor. The declaration must be accompanied

by a petition, including proof of the pertinent facts, the fee set forth in §1.17(g), and the last known address of the non-signing inventor.

A declaration signed by other inventor on his own behalf and on behalf of the non-signing inventor is filed on even date herewith, along with an authorization to pay the fee required by 37 C.F.R. §1.17(g). Also filed herewith is a Declaration of Yves Trelohan, setting forth the relevant facts and submitting the relevant documentary evidence. The Declaration of Mr. Yves Trelohan, manager of Screen Research, establishes that all of the necessary documents, including the translation of the PCT application for filing in the United States and the Combined Declaration and Power of Attorney for his signature were sent to Mr. Congard by registered mail on March 23, 2006. When no response was received to this letter, a second registered letter was sent on June 5, 2006, this time with a return receipt postcard attached. The returned postcard indicated that the letter had been delivered and accepted by Mr. Congard or his duly appointed agent on June 10, 2006. Nevertheless, no response was ever received from Mr. Congard to either of these letters.

All of the above facts, as evidenced by the Trelohan Declaration and the accompanying exhibits, establish that the

actions of Mr. Congard constitute a refusal. Accordingly, this petition should be granted.

As indicated on the attached Combined Declaration for Patent Application and Power of Attorney, Mr. Congard's last known post office address and residence was 121, rue de la Reunion, F-75020 Paris, France.

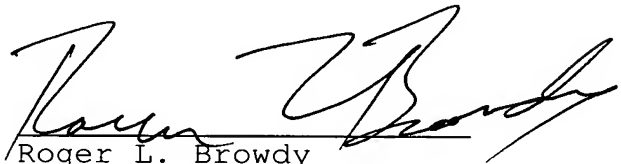
CONCLUSION

As all of the requirements of 37 C.F.R. §1.47(a) have been met, granting of this petition and acceptance of the present application are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By


Roger L. Browdy
Registration No. 25,618

RLB:jmd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\R\INU\Congard3\Pto\2007-01-03Pet147.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: CONGARD3

In re Application of:)	Conf. No.: 5072
)	
Patrice CONGARD et al.)	Art Unit:
)	
Appln. No.: 10/570,135)	Examiner:
)	
Filed:)	Washington, D.C.
)	
For: PROJECTION SCREEN, IN)	
PARTICULAR FOR VIDEO...)	

YVES TRELOHAN DECLARATION

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

I, the undersigned Yves Trelohan, hereby declare and state as follows:

I am the manager of Screen Research.

On March 23, 2006, I prepared a letter to be sent by registered mail to Mr. Patrice Congard. Submitted herewith as Exhibit A is a conformed copy of the letter sent by certified mail on March 23, 2006. My handwriting at the top translates as, "copy of certified mail to Patrice Congard certified to be the same as the original dated March 23, 2006," followed by my

YH

In re of Appln. No. 10/570,135

signature. A translation of the letter of Exhibit A into English is submitted herewith as Exhibit B.

I included in this registered mail envelope sent March 23, 2006, with the letter of Exhibit A, a copy of the translation into English of the patent, a Combined Declaration for Patent Application and Power of Attorney form for the U.S. application, and an assignment form for the U.S. application.

On June 5, 2006, I prepared a second registered letter to Patrice Congard. Submitted herewith as Exhibit C is a copy of the letter from me to Mr. Patrice Congard dated June 5, 2006. This letter bears my signature. A translation of Exhibit C into English is attached hereto as Exhibit D. As can be seen from the letter, I reminded Mr. Congard about the first letter and again asked that he execute the documents that had previously been sent to him.

Submitted herewith as Exhibit E is a photocopy of two Post Office receipts. The one on the bottom is the proof of deposit at the French Post Office of the registered mail on June 6, 2006. The one on the top is a photocopy of the return receipt postcard bearing a signature of the recipient, and indicating that the letter had been delivered and accepted on June 10, 2006. According to the rules of the French Post Office, a registered letter is only delivered to the person specifically mentioned on the registered letter. It can only

In re of Appln. No. 10/570,135

be delivered to another person when this person has a power to that effect.

Submitted herewith as Exhibit F is a photocopy of the receipt of Exhibit E with interlineated translation of the French words thereon.

I have never received any response from Mr. Congard with respect to either of these letters.

I am familiar with both the French and English languages and I hereby confirm that each of the translations referred to above are true and correct English translations of the French language originals.

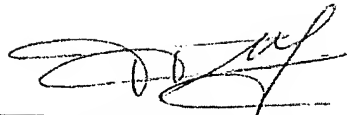
Accordingly, it can be concluded that all the necessary papers have reached Patrice Congard in due time, but that he refuses to sign the needed documents.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such

willful false statements may jeopardize the validity of the application or any patent issued thereon.

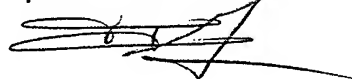
In re of Appln. No. 10/570,135

December, 21st, 2006
Date


Yves TRELOHAN
Yves Trelohan.

copie courriel recommandé à Patrice Congard.

Certifié conforme, le 23 Mars 2006

Yves Trélohan, le Gérant


Monsieur Patrice Congard

Lettre recommandée

Nantes La Chapelle, le 23 Mars 2006

A l'attention de Patrice Congard,

Objet: Assignment & Combined Declaration for Patent Application and Power Attorney

Monsieur,

Dans le cadre du dépôt international du brevet « projection screen » de Screen Research, nous avons besoin de votre signature, en tant que co-inventeur, sur les documents « Assignment » et « Combined Declaration for Patent Application and Power Attorney », afin que le Cabinet Santarelli, en charge de la gestion de nos brevets, puisse effectuer les formalité de dépôt aux USA.

En pièce jointe, la traduction en Anglais du Brevet.

Nous vous remercions de nous faire parvenir par retour les documents signés.

Nous vous prions de croire, Monsieur, à l'expression de mes sentiments distingués.

Yves Trélohan, le Gérant

EXHIBIT A

Translation into English

Mr Patrice CONGARD

Registered letter

Nantes la Chapelle, 23 March 2006

To the attention of Patrice Congard

Re : Assignment & Combined Declaration for patent application and Power of Attorney

Dear Sir,

Within the frame of the international filing of patent "projection screen" of Screen Research, we are needing your signature, as a co-inventor, on documents "Assignment" and "Combined Declaration for Patent Application and Power of Attorney", so that Cabinet Santarelli, in charge of the handling our patents, can proceed with the filing steps in USA.

Enclosed the translation into English of the patent

We thank you for returning the documents after signature

Yours sincerely

Yves Trélohan, Manager

Monsieur Patrice Congard

Lettre recommandée avec AR

Nantes La Chapelle, le 05 Juin 2006

A l'attention de Patrice Congard,

Objet: Assignment & Combined Declaration for Patent Application and Power Attorney

Monsieur,

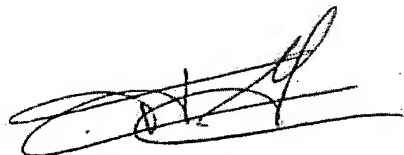
Etant donné que notre courrier du 21 mars dernier est sans réponse ni action de votre part, nous nous permettons de réitérer notre demande.

Dans le cadre du dépôt international du brevet « projection screen » de Screen Research, nous avons besoin de votre signature, en tant que co-inventeur, sur les documents « Assignment » et « Combined Declaration for Patent Application and Power Attorney », afin que le Cabinet Santarelli, en charge de la gestion de nos brevets, puisse effectuer les formalités de dépôt aux USA.

Les différents documents, y compris la traduction en Anglais du Brevet, vous ont été fournis dans le courrier du 21 mars.

Nous vous remercions de nous faire parvenir par retour les documents signés.

Nous vous prions de croire, Monsieur, à l'expression de mes sentiments distingués.



Yves Trélohan, le Gérant

Translation into English

Mr Patrice CONGARD

Registered letter

Nantes la Chapelle, 05 June 2006

To the attention of Patrice Congard

Re : Assignment & Combined Declaration for patent application and Power of Attorney

Dear Sir,

Since our mail of 21 March remains unanswered without any action from your part, we repeat our request.

Within the frame of the international filing of patent "projection screen" of Screen Research, we are needing your signature, as a co-inventor, on documents "Assignment" and "Combined Declaration for Patent Application and Power of Attorney", so that Cabinet Santarelli, in charge of the handling our patents, can proceed with the filing steps in USA.


The various documents, including the translation into English of the patent, have been transmitted to you within our mail of 21 March.

We thank you for returning the documents after signature

Yours sincerely


Yves Trélohan, Manager

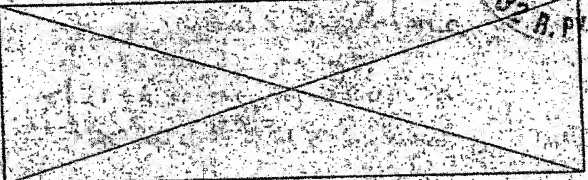
EXHIBIT D

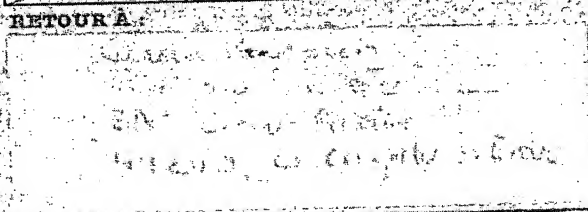
LA POSTE 

**AVIS DE RÉCEPTION
DE VOTRE ENVOI
RECOMMANDÉ**

RA 1566 3941 5 FR

Présenté le : 8/15/06
Distribué le : 10/06/06
Signature du destinataire : 




RETOUR À : 

PARIS CHAPON
10-5
2006
R. P. 1111

AR

AVIS DE RÉCEPTION

LES PARIS 346 060 060

LA POSTE 

**PREUVE DE DÉPÔT
D'UN OBJET RECOMMANDÉ
AVEC AVIS DE RÉCEPTION**

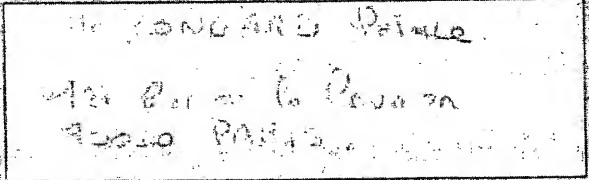
RA 1566 3941 5 FR

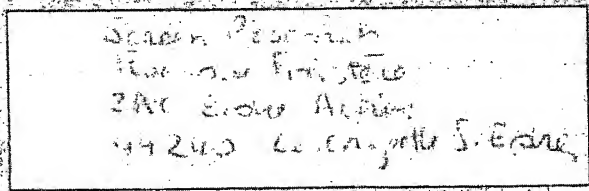
TAUX DE RECOMMANDATION R1 ☒ R2 ☐ R3 ☐

CONSERVEZ CE FEUILLET, IL SERA
NÉCESSAIRE EN CAS DE RÉCLAMATION

LE CAS ÉCHEANT, VOUS POUVEZ FAIRE
UNE RÉCLAMATION DANS N'IMPORTE QUEL
BUREAU DE POSTE

DESTINATAIRE LETTRE ☒ COLIS ☐





45700 - 0549447

Date	Prix	Contre-Remboursement	Reçu de l'objet
06/06/06	4.80EUR		

LES PARIS 346 060 060

PREUVE DE DÉPÔT

Notice of Receipt
of your registered parcel

LA POSTE

RA 1566 3941 5 FR

**AVIS DE RÉCEPTION
DE VOTRE ENVOI
RECOMMANDÉ**

Presented on 8/10/06
Delivered on 10/06/06
Signature of recipient

RETOUR A RETOUR

PARIS-MERON
*
10-8
2006

Notice of receipt
AVIS DE RÉCEPTION

LA POSTE

RA 1566 3941 5 FR

**PREUVE DE DÉPÔT
D'UN OBJET RECOMMANDÉ
AVEC AVIS DE RÉCEPTION**

Proof of deposit
of a registered object
with notice of receipt

Registration fee
TAUX DE RECOMMANDATION R1 ☒ R2 ☐ R3 ☐
SAVE this sheet, it will
CONSERVER CE FEUILLET IL SERA
NECESSAIRE EN CAS DE RECLAMATION
be necessary in case of claim
LE CAS ÉCHÉANT, VOUS POUVEZ FAIRE
UNE RECLAMATION DANS N'IMPORTE QUEL
BUREAU DE POSTE

DESTINATAIRE ☒ LETTRES ☐ COMES ☐

Screen Research
2425 Grand Ave.
44210 La Cigouille St. Germain

PREUVE DE DÉPÔT

Date	Objet	Contre-Remboursement	Signature de l'objet
10/06/06	LA 33401		

If necessary, you can
make a claim (complaint)
at any post office

(or complaint)